

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:22-cv-00383

Larry Eugene Grubbs,
Plaintiff,

v.

Trey Leslie et al.,
Defendants.

ORDER

Plaintiff Larry Eugene Grubbs, proceeding pro se and *in forma pauperis*, filed the above-styled and numbered civil-rights lawsuit pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge K. Nicole Mitchell. Doc. 2.

In response to plaintiff's amended complaint (Doc. 8), defendant City of Longview filed a motion to dismiss (Doc. 15) pursuant to Federal Rule of Civil Procedure 12(b)(6). Plaintiff did not file a response in opposition, nor did he move for leave to file an additional amended complaint.

The magistrate judge issued a report (Doc. 19), recommending that defendant City of Longview's motion to dismiss be granted and that plaintiff's claims against the City of Longview be dismissed with prejudice. Plaintiff received the report on February 22, 2024, but did not file objections. Doc. 21.


When there have been no timely objections to a magistrate judge's report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996) (en banc). Having reviewed the magistrate judge's report, and being satisfied that it contains no clear error, the court accepts its findings and recommendation.

Defendant City of Longview's motion to dismiss (Doc. 15) pursuant to Fed. R. Civ. P. 12(b)(6) is granted, and plaintiff's claims against the City of Longview are dismissed with prejudice.

Plaintiff's claims against Trey Leslie and Zack Atkinson remain pending.

Finally, as Officer Unknown has been identified as Zack Atkinson, the clerk is directed to terminate Officer Unknown as a defendant and add Zack Atkinson as a defendant.

So ordered by the court on March 22, 2024.



J. CAMPBELL BARKER
United States District Judge